

PARACHUTE MUNICIPAL COURT ADVISEMENT OF RIGHTS

This is an arraignment session of the court, and in some cases, a trial session. For most of you, I will call you forward individually to enter a plea to the charge or charges against you.

At that time, you may enter a plea of “Guilty” or “Not Guilty” to the charge or charges against you. In addition to these pleas, there is a third plea of “Nolo Contendere” or “No Contest” {Rule 211}. In so far as this particular case is concerned, and with respect to the possible penalties this court may impose, there is no difference between the “No Contest” or “Guilty” pleas. If you enter either of these two pleas, “No Contest” or “Guilty”, the court will dispose of your case by entering a judgment of conviction and imposing sentence in accordance with the law.

Before you enter a plea, the court will advise you of the rights you have as a defendant in this court.

1. You are presumed innocent which means that the Prosecution would have to prove the case against you beyond reasonable doubt at trial.
2. You have the right to remain silent. Any statement you make must be voluntary on your part. Any statement you make may be used against you at a later time [Rule 210(a)(4)(II)].
3. You have the right to be represented by an attorney at all stages of the proceeding against you [Rule 210(a)(4)(III)].
4. You may request this arraignment be continued for a reasonable period of time so that you may retain an attorney, or for other good and sufficient cause [Rule 210(3)(4)(II)].
5. You have the right to a trial to the Court, which means to the judge sitting without a jury. Where the right is granted by statute or Town ordinance, you have the right to a jury of from three to six persons. Where you have such a right, you must file a written demand for a jury and pay a \$25.00 jury fee within **21** days of today’s date. The Court may waive the jury fee if you are indigent. You must specify the number of jurors you wish at the time you make the jury demand, or you will be tried to a jury of three persons. Any jury demand or jury fee made after **21** days of today’s date will not be accepted [Rule 210(a)(4)(VI); Rule 223].
6. You have a right to a public and speedy trial, which means a trial within **91** days from today’s date unless you, by your actions or your request, extend that period [Rule 248(b)].
7. You have the right to cross-examine, or question all witnesses who appear against you.
8. You have the right to present a defense, but you are not required to do so.
9. The court will issue subpoenas for you, without expense on your part, to command the attendance of witnesses to appear in court and give testimony for you. The court clerk will not serve the subpoenas for you {[Rule 210(a)(4)(IV)]}.

10. At trial, you may testify on your own behalf, or remain silent, as you choose. If you do not testify, no inference of guilt will be drawn from that silence {[Rule 210(a)(4)]}.

11. If the decision of the trial court is against you, you may appeal the decision to a higher court {[Rule 210(a)(4)(VII)]}.

If you plea “guilty” or “no contest” or are found guilty after trial, the court will impose a penalty. By pleading “guilty” or “no contest”, you will be waiving, or giving up, all the legal rights of which you have just been informed. Further, you will be admitting, or not contesting, the acts to which you have plead “guilty” or “no contest” [Rule 211(b)(3)].

The maximum penalties that this Court can impose are fines of up to \$1,000.00; a jail sentence of up to one year; or both - up to the maximums. You will be advised of the specific penalties for the charge or charges against you when you are called individually. For all non-traffic offenses for individuals less than eighteen (18) years of age, the penalty shall be a fine not to exceed \$1,000.00. In addition to the penalties this Court can impose, most moving traffic violations have penalty points which may be assessed against your driver’s license. The accumulation of enough points could result in loss of your driving privilege [Rule 211(b)(4)]. The Court may also impose community service.

Before the Court will impose any penalty, the Court will consider, among other things, the severity of the offense, your past criminal or traffic record, and any statement you wish to make on your own behalf.

These are your basic rights before the Court. If you have any questions about them or about the charges against you, you may ask the court to further explain before you enter a plea [Rule 211 (b)(1)].

I hereby acknowledge that I have read and understood the above Advisement of Rights this _ day _____ of this _____, 20_____, at Parachute, Colorado.

Signature

Parent’s Signature

NEEDED FOR JUVENILES WHO ARE APPEARING